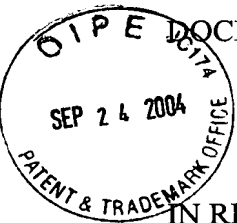


ITW



DOCKET NO.: 220400US0X/ims

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Seisaku KUMAI, et al.

SERIAL NO: 10/091,315

GROUP: 1714

FILED: March 6, 2002

EXAMINER:

FOR: PROCESS FOR RECOVERING FLUOROPOLYMERS

**LETTER**

Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a People's Republic of China Office Action for the Examiner's consideration. The reference cited therein has been previously filed on July 9, 2002.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

*Corwin Paul Umbach*

Customer Number

**22850**

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/04)

Corwin P. Umbach, Ph.D.  
Registration No. 40,211



THE PATENT OFFICE OF THE STATE INTELLECTUAL PROPERTY OFFICE  
OF THE PEOPLE'S REPUBLIC OF CHINA

Address: No. 6 Xi Tucheng Lu, Jimeng Qiao Haidian District, Beijing Post code: 100088 P.O. BOX: Beijing 8020

Shanghai Patent & Trademark Law Office

Date of Dispatch  
July 30, 2004

Application No.: 02106951.4	Applicant: ASAHI GLASS COMPANY LTD.
Application Date: March 7, 2002	Agent:
Title: PROCESS FOR RECOVERING FLUOROPOLYMERS	

NOTICE ON OFFICE ACTION

- ☒ According to the Request for Substantive Examination raised by the applicant and based on the provision of Item 1, Article 35 of the Patent Law, the Examiner has proceeded with the Examination as to Substance on the above mentioned application for patent for invention.

☐ According to Item 2, Article 35 of the Chinese Patent Law, the Patent Office has decided to examine the above application for patent for invention.
- ☒ The applicant has requested that the filling date of  
2001.03.07 at the JP Patent Office as the priority date,  
\_\_\_\_\_ at the \_\_\_\_\_ Patent Office as the priority date,  
\_\_\_\_\_ at the \_\_\_\_\_ Patent Office as the priority date,  
\_\_\_\_\_ at the \_\_\_\_\_ Patent Office as the priority date,

☐ The applicant has already submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed.

☐ The applicant has not submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed. It is deemed not having claimed priority according to the provision stipulated in Article 30 of the Patent Law.

☐ This application is a PCT application.
- ☐ The applicant submitted on \_\_\_\_\_ and \_\_\_\_\_ the amendment documents.

On examination, among them,  
the \_\_\_\_\_ submitted on \_\_\_\_\_ can not be accepted.  
the \_\_\_\_\_ submitted on \_\_\_\_\_ can not be accepted.

Because the above amendment

☐ does not conform with the provisions of Article 33 of the Chinese Patent Law,  
☐ does not conform with the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law,

Refer to the text of the Notice for the specific reasons why the amendment cannot be accepted

4. ☒ The examination has been proceeded on the original application documents.  
☐ The examination is directed at the following application documents:  
 Claim \_\_\_\_\_, page \_\_\_\_\_ of the specification, page \_\_\_\_\_ of the drawing of the original application documents submitted on the date of filing.  
 Claim \_\_\_\_\_, page \_\_\_\_\_ of the specification, page \_\_\_\_\_ of the drawing submitted on \_\_\_\_\_.  
 Claim \_\_\_\_\_, page \_\_\_\_\_ of the specification, page \_\_\_\_\_ of the drawing submitted on \_\_\_\_\_.  
 Claim \_\_\_\_\_, page \_\_\_\_\_ of the specification, page \_\_\_\_\_ of the drawing submitted on \_\_\_\_\_.  
 Abstract of the specification submitted on \_\_\_\_\_, the drawing of the Abstract submitted on \_\_\_\_\_.

5. ☐ This Notice is made under the condition of no search having been conducted.  
☒ This Notice is made under the condition of search having been conducted.  
☒ This Notice has cited the below comparison documents (the number of which shall continue to be used in the subsequent examination procedures):

No.	Title of Document	Date of Publication (or the filing date of the conflicting Application)
1	US 4585801A	1986.04.29
2		
3		
4		

6. The conclusive opinion drawn from the examination:

☐ **As regards the Specification:**

- ☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right shall be granted.  
☐ The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.  
☐ The drafting of the specification does not conform with the provision of Rule 18 of the Implementing Regulations.

☒ **As regards the Claims:**

- ☒ Claim 1 does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.  
☒ Claim 2-10 does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.  
☐ Claim \_\_\_\_\_ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.  
☐ Claim \_\_\_\_\_ falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.  
☒ Claim 1 does not conform with the provision of Item 4, Article 26 of the Patent Law.  
☐ Claim \_\_\_\_\_ does not conform with the provision of Item 1, Article 31 of the Patent Law.  
☐ Claim \_\_\_\_\_ does not conform with the definition of invention as stipulated in Item 1, Article 2 of the Implementing Regulations of the Patent Law.  
☐ Claim \_\_\_\_\_ does not conform with the provision of Item 1, Rule 13 of the Implementing Regulations of the Patent Law.  
☐ Claim \_\_\_\_\_ does not conform with the provisions of Rules 20 to 23 of the Implementing Regulations of the Patent Law.

Refer to the text of this Notice for the specific analyses of the conclusive opinion.

FILED  
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7. Based on the above conclusive opinion, the Examiner deems that:
- ☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.
  - ☐ The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions, or no patent right shall be granted.
  - ☒ There are no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.
8. The applicant is asked to note the following items:
- (1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within **four months** from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn
  - (2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.
  - (3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.
  - (4) The observations and/or the amended documents shall be mailed or delivered to Department of Receipt, the Patent Office of the State Intellectual Property Office. No documents shall possess legal effects if not mailed or delivered to Department of Receipt.
9. The text portion of this Notice totals 1 page(s), and includes the following attachment(s):
- ☒ duplicate copy(ies) of cited comparison document(s), altogether 1 copy(ies) 5 pages.
  - ☐

Examination Department: \_\_\_\_\_ Examiner(Seal): \_\_\_\_\_

2201 2001.7

P171W

## **The First Office Action**

The Application No.: 021069514

Claim 1 asks to protect a process for recovering polymers. Comparison Document 1 (US4585801A) has disclosed a process for recovering fluoropolymers, comprising contacting an ion exchange membrane comprising a fluoropolymer having carboxyl and a fluoropolymer having sulfonic acid group and having inorganic particles, with a solvent, forming a dissolved solution and an indissolved precipitate of different fluoropolymers to obtain a solid-liquid separation, separating inorganic substances by an acid and a solvent (See claims 1, 6, 9 and the examples of Comparison Document 1). It can be seen that Comparison Document 1 has already disclosed all the technical features of claim 1, which belongs to the same technical field as that of the technical solution of claim 1. Therefore, claim 1 does not possess novelty, not conforming to the provision of Item 2, Article 22 of the Chinese Patent Law.

Claims 2-10 are dependent claims. The definitions of the additional technical features can be obtained by a person having ordinary skill in the art in combination with general knowledge well known in the art. The definition for ion exchange is known for a person having ordinary skill in the art based on knowledge of conventional experimental work according to the requirement. Methanol belongs to a solvent for separation usually used in the art, which has not produced unexpected definite effect. Therefore, these claims do not possess prominent substantive features or notable progress, not possessing inventiveness, not conforming to the provision of Item 3, Article 22 of the Chinese Patent Law.

Concerning the definition for solvent in claim 1, the technical solution of the present invention is to achieve the technical purpose of solid-liquid separation by the action of the solvent. The action of the solvent remarkably influences the realization of the purpose of the present invention. The definition of the above abstract concept can be neither summarized by the combination of illustration of the examples and description of the specification, nor suitably deduced from general knowledge well known in the art. It is unknown for one skilled in the art that all the organic and inorganic solvents can be used in the technical solution of the present invention and to realize the technical effects of the present invention. Therefore, claim 1 can not be supported by the specification, not conforming to the provision of Item 4, Article 26 of the Chinese Patent Law.



Summing up the above, the present invention can not be granted a patent right according to the present application texts. The applicant should make a response within the designated time limit from the receipt of the Notice. Otherwise, the present application will be deemed to have been withdrawn.

The Examiner: Rui DingKun

Code: 9477



# 中华人民共和国国家知识产权局

邮政编码: 200233 上海桂平路 435 号 上海专利商标事务所 陈文青		发文日期 
申请号: 021069514		
申请人: 旭硝子株式会社, 清美化学股份有限公司		
发明创造名称: 回收含氟聚合物的方法		

## 第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以其在:  
JP 专利局的申请日 2001 年 03 月 07 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日。  
☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。  
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
- ☐ 经审查, 申请人于:  
年 月 日提交的 不符合实施细则第 51 条的规定;  
年 月 日提交的 不符合专利法第 33 条的规定;  
年 月 日提交的
- 审查针对的申请文件:  
☒ 原始申请文件。 ☐ 审查是针对下述申请文件的  
申请日提交的原始申请文件的权利要求第 项、说明书第 页、附图第 页;  
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;  
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;  
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;  
年 月 日提交的说明书摘要, 年 月 日提交的摘要附图。
- ☐ 本通知书是在未进行检索的情况下作出的。  
☒ 本通知书是在进行了检索的情况下作出的。  
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):  
编号 文件号或名称 公开日期 (或抵触申请的申请日)  
1 US4585801A 1986 年 4 月 29 日
- 审查的结论性意见:  
☐ 关于说明书:  
☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。  
☐ 说明书不符合专利法第 26 条第 3 款的规定。



## **第一次审查意见通知书正文**

申请号：021069514

权利要求1请求保护一种回收聚合物的方法。对比文件1（US4585801A）记载了一种回收含氟聚合物的方法。包括将含有含羧基的含氟聚合物和含磺酸基的含氟聚合物并且有无机颗粒的离子交换膜与溶剂接触，通过是不同的含氟聚合物形成溶解溶液和不溶解的沉淀物固液分离，同时通过酸以及溶剂作用分离无机物，（对比文件1权利要求1、6、9、实施例），对比文件1公开了权利要求1的全部技术特征，同权利要求1的技术方案属于相同的技术领域，权利要求1没有新颖性，不符合专利法第二十二条第二款的规定。

权利要求2—10为从属权利要求，附加技术特征的限定可以由本领域普通技术人员结合公知常识得到，对于离子交换的限定为普通技术人员根据要求可以在常规的实验操作的知识基础上得知的，甲醇属于本领域常用的分离用溶剂，没有取得预料不到的限定效果，权利要求不具备突出的实质性特点和显著的进步，没有创造性，不符合专利法第二十二条第三款的规定。

权利要求1对于溶剂的限定，本发明的技术方案在于通过溶剂的作用达到固液分离的技术目的，溶剂的作用显著影响发明目的的实现，实施例的例证结合说明书的描述不能概括得出上位概念的限定，也不能结合公知常识进行适当的推论，技术人员不能得知全部有机和无机溶剂都可以应用在本发明的技术方案中并可以实现发明技术效果，权利要求得不到说明书的支持，不符合专利法第二十六条第四款的规定。

综上所述，发明按照目前的文本是不能授权的，申请人应在收到通知书的指定期限内做出答复，否则申请将被视为撤回。

审查员：芮定坤

代码：9477